

**Exhibit “B”**

**(Circuit Court Order to Tender Funds)**



## AlaFile E-Notice

01-CV-2017-000165.00

Judge: MICHAEL G GRAFFEO

To: FEINBERG ALEXANDER BUNNEN  
afeinberg@maynardcooper.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

APEX PARKS GROUP LLC VS PROTECTIVE LIFE INSURANCE COMPANY  
01-CV-2017-000165.00

The following matter was FILED on 8/3/2017 8:15:18 AM

Notice Date: 8/3/2017 8:15:18 AM

ANNE-MARIE ADAMS  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
716 N. RICHARD ARRINGTON BLVD.  
BIRMINGHAM, AL, 35203

205-325-5355  
anne-marie.adams@alacourt.gov

APEX PARKS GROUP LLC,

Plaintiff,

v.

PROTECTIVE LIFE INSURANCE COMPANY,

Defendant,

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CV 17-0165-MGG

**REVISED ORDER TO TENDER FUNDS TO THE CLERK OF COURT****INVESTMENT ORDER**

Pending before the Court is the MOTION TO PAY FUNDS INTO THE COURT'S REGISTRY [Doc. 42] filed by Defendant/Counterclaim Plaintiff. The MOTION is due to be, and is, **GRANTED**.

Accordingly, it is hereby **ORDERED** and **DIRECTED** as follows:

1. Upon receipt of this ORDER, Defendant/Counterclaim Plaintiff PROTECTIVE LIVE INSURANCE COMPANY shall **TENDER** the sum of ninety-one thousand eight hundred dollars and eighty-four cents ***[\$91,800.84]*** to Anne-Marie Adams, Clerk of Court of the 10<sup>th</sup> Judicial Circuit, the funds paid to PROTECTIVE as premiums for the underlying life insurance policy; this amount includes:
  - a. the premium refund of \$89,771.75; and,
  - b. claim interest of \$2,029.09.
2. The Clerk shall **DEPOSIT** the funds tendered in an interest bearing account until such time as this Court determines and declares, by subsequent written order, the rights of ownership to said funds and in what amounts as more specifically requested and prayed for herein; and,
3. This ORDER is in **NO WAY** to be understood or construed as an order on the merits of any claim or counterclaim alleged herein, and by tendering the funds PROTECTIVE LIFE INSURANCE COMPANY does not waive any claim and/or defense.

**DONE** and **ORDERED** this date, *August 3, 2017*.

*S/Michael G. Graffeo*

MICHAEL G. GRAFFEO, Circuit Judge